```
Sean P. Reis (SBN 184044)
 1
    sreis@edelson.com
    EDELSON MCGUIRE LLP
    30021 Tomas Street, Suite 300
    Rancho Santa Margarita, California 92688
 3
    Tel: (949) 459-2124
 4
    Fax: (949) 459-2123
 5
    Jay Edelson* (jedelson@edelson.com)
    Rafey S. Balabanian* (rbalabanian@edelson.com)
 6
    William C. Gray* (wgray@edelson.com)
    Ari J. Scharg* (ascharg@edelson.com)
 7
    EDELSON MCGUIRE LLC
 8
    350 North LaSalle Street, Suite 1300
    Chicago, Illinois 60654
 9
    Tel: (312) 589-6370
    Fax: (312) 589-6378
10
11
    * Admitted pro hac vice
12
    Attorneys for Plaintiff and the putative class
13
                            UNITED STATES DISTRICT COURT
14
                          NORTHERN DISTRICT OF CALIFORNIA
15
                                    OAKLAND DIVISION
16
       DANIEL RODRIGUEZ, individually and
                                               ) Case No. 11-CV-4084-PJH
       on behalf of a class of similarly situated
17
                                               )
       individuals,
                                                 [Hon. Phyllis J. Hamilton]
18
                    Plaintiff,
                                                 PLAINTIFF'S STATEMENT OF
19
                                                 NON-OPPOSITION TO
              V.
                                                 DEFENDANT'S MOTION TO
20
       SONY COMPUTER ENTERTAINMENT
                                               ) DISMISS
21
       AMERICA LLC, a Delaware limited
       liability company, SONY NETWORK
                                               ) Date:
                                                              February 8, 2012
22
       ENTERTAINMENT INTERNATIONAL
                                                              9:00 a.m.
                                                 Time:
       LLC, a Delaware limited liability
                                                 Courtroom:
                                                              3
23
       company, and JOHN DOE
       DEFENDANTS 1-10,
24
25
                    Defendants.
26
27
```

28

## 

## PLAINTIFF'S STATEMENT TO DEFENDANT SONY'S MOTION TO DISMISS

## PURSUANT TO L.R. 7-3(b)

Plaintiff filed the instant action on August 18, 2011. On November 30, 2011, Defendant Sony Computer Entertainment America, LLC moved to dismiss Plaintiff's Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6). No other responsive pleadings or motions under Rule 12 had been previously filed or served by Defendant.

Pursuant to Fed. R. Civ. P. 15(a)(1), Plaintiff intends to file a First Amended Complaint on December 21, 2011, within 21 days of service of Defendant's Rule 12(b)(6) motions. However, to the extent that the Local Rules of this District require that Plaintiff file a response to the pending motion, Plaintiff submits this Statement pursuant to Civil L.R. 7-3(b) and, without prejudice to any opposition he may raise in response to Defendant's Motion to Dismiss, hereby notifies the Court that he intends to file a First Amended Complaint as a matter of course as and for his response to Defendant's Motion to Dismiss.

Dated: December 21, 2011

Respectfully submitted,

**DANIEL RODRIGUEZ**, individually and on behalf of a class of similarly situated individuals,

By: /s/ Sean P. Reis

EDELSON MCGUIRE, LLP 30021 Tomas Street, Suite 300 Rancho Santa Margarita, CA 92688 Tel: (949) 459-2124

Jay Edelson\*
Rafey S. Balabanian\*
Ari J. Scharg\*
EDELSON MCGUIRE, LLC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: (312) 589-6370
jedelson@edelson.com
rbalabanian@edelson.com
ascharg@edelson.com

\*Admitted pro hac vice

Admitted pro ride vice

PLAINTIFF'S STATEMENT OF NON OPPOSITION TO DEFENDANT SONY'S MOTION TO DISMISS

1	CERTIFICATE OF SERVICE
2	I Com D. Dois an attenuous contifue that an Documber 21, 2011. I conved the above and
3	I, Sean P. Reis, an attorney, certify that on December 21, 2011, I served the above and foregoing <i>Plaintiff's Statement of Non-opposition to Defendant's Motion to Dismiss</i> , by
4	causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.
5	
6	//C P. P. :
7	/s/ Sean P. Reis
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	PLAINTIFF'S STATEMENT OF NON OPPOSITION  Case No. 11-CV-4084-PJH